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APR 19 2007

Docket No. 45955/CM/I351

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For : Reissue of U.S. Patent No. 6,202,870  
Patentee : Woodrow W. Pearce  
Patent No. : 6,202,870  
Patent Issue Date : March 20, 2001  
Title : VENTING CAP

Docket No. : 45955/CM/I351

## SUPPLEMENTAL DECLARATION FOR REISSUE PATENT APPLICATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Post Office Box 7068  
Pasadena, CA 91109-7068

Commissioner:

As a below named inventor, I hereby declare that I reside at the address listed below, I am a citizen of the United States of America, and I believe I am an original, first and sole inventor of the subject matter described and claimed in U.S. Patent No. 6,202,870 (the "'870 Patent'"), issued on March 20, 2001, for which a reissue patent is sought on the invention entitled VENTING CAP, the specification of which is attached hereto. The application for the '870 Patent was filed on March 29, 1999, as Application Serial No. 09/277,918 (the "'918 Application").

I acknowledge the duty to disclose information known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I believe that the '870 Patent is partially inoperative because none of the claims in the '870 Patent are directed to an insert for use with a cap for capping a bottle where the insert has an annular section forming an opening and comprising a first surface opposite a second surface and a groove formed on the first surface, wherein when the cap is capping the bottle, a first portion of the groove extends beyond a first location external of the rim and a second portion of the groove extends beyond a second location external of the groove, wherein the first location is spaced apart from the second location. This aspect of my invention was described on column 4, lines 8-15 of the '870 patent,

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where it is stated that "In a further embodiment, grooves 76 may be formed on the inner surface 78 of the cap top portion inner surface 46 (FIG. 6). These grooves should preferably span to the edge 80 of the inner surface, i.e., the location where the inner surface of the cap top portion intersects the annular wall 82 of the cap, or span to at least a location at/or beyond the outer edge of the bottle neck rim 42 when the cap is torqued onto the bottle neck" and on column 5, lines 8-11 of the '870 patent where it is stated that "Furthermore, the ridges or grooves may be formed, preferably by a molding or a machining process, on a disc 300 made from a hard or semi-hard material such as plastic (FIGS. 10, 11, 12, 13 and 14)." The novelty of this aspect of my invention was erroneously overlooked, as I did not appreciate the full scope of the invention being claimed at the time the '918 Application was filed and during its prosecution. My failure to recognize the full scope of the invention being claimed was inadvertent as is evidenced by the fact that although this novel feature was described in the specification of the '918 Application, it was not claimed. As a result of this failure, I claimed less than I had a right to claim in the '870 Patent. All errors being corrected in this reissue application up to the time of filing of this Declaration are without any deceptive intent on my part.

I hereby state that I have reviewed and understand the content of the above-identified application, including the original claims 1, 3-40 and any amendments made to such claims as well as added claims 41, 42 and 57 as currently pending.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue application or any patent issuing thereon.

Dated: April 19-07

Woodrow W. Pearce  
1601 Puebla Drive  
Glendale, California 91207

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**REISSUE APPLICATION STATEMENT  
UNDER 37 CFR 3.73(b); CONSENT OF  
ASSIGNEE****Docket No. 45955/1351****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patentee : Woodrow W. Pearce  
Patent No. : 6,202,870  
Patent Issue Date : March 20, 2001  
Title : VENTING CAP  
Docket No. : 45955/1351

**STATEMENT UNDER 37 CFR 3.73(b); AND  
CONSENT OF ASSIGNEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Post Office Box 7068  
Pasadena, CA 91109-7068

Commissioner:

**STATEMENT UNDER 37 CFR 3.73(b)**

Innovation Update, LLC, a California corporation, having a principal place of business at 1309 Lincoln Avenue, Pasadena, California 91103 (Assignee), hereby states that it is the assignee of the entire right, title and interest in U.S. Patent No. 6,202,870 (the '870 patent) entitled VENTING CAP, issued March 20, 2001, by virtue of an Assignment from the Assignee of the '870 patent, recorded at Reel 016182, Frames 0518-0521, on May 3, 2005.

The undersigned (whose title appears below) is authorized to act on behalf of the Assignee in connection with this application for reissue of the '870 patent.

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<b>REISSUE APPLICATION STATEMENT UNDER 37 CFR 3.73(b); CONSENT OF ASSIGNEE</b>	<b>Docket No. 45955/1351</b>
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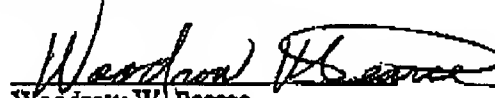
**CONSENT OF ASSIGNEE**

Assignee hereby consents to the filing of the present application for the reissue of U.S.  
Patent No. 6,202,870.

INNOVATION UPDATE, LLC

Dated: April 19, 07

By:

  
Woodrow W. Pearce  
President

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